

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL

TUESDAY, FEBRUARY 14, 2012 – 7:00 P.M.

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

President Fraim moved to moved to excuse Ms. Williams and Mr. Winn from today's meeting.

Motion adopted.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley and Fraim.

No: None.

INVITATION TO BID

1B-1

INVITATION TO BID scheduled this day pursuant to action of the Council on **January 10, 2012**, under State law, public notice having been inserted in the local press by the City Clerk to accept bids for a Deed of Easement to repair and maintain a masonry wall and landscaping located at the intersection of **Pleasant Avenue and 30th Bay Street**.

ACTION: WITHDRAWN.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Fraim.

No. None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day pursuant to action of the Council on January 24, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brett Thompson**, for a change of zoning from R-11 (Moderate Density Multiple-Family) district to conditional R-9 (One-Family) district on property located at **1229-1239 Reservoir Avenue**.

Brett Thompson, 4575 Bonney Road, Ste 101, Virginia Beach, Virginia, was present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance to rezone property located at **1229** to **1239 Reservoir Avenue** from R-11 (Multiple-Family Residential) District to Conditional R-9 (One-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Fraim.

No. None.

PH-2

PUBLIC HEARING scheduled this day pursuant to action of the Council on January 24, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the application of **Fortune Bay Investments, a)** to amend **The General Plan of Norfolk, 1992** from Industrial/Transportation/Utility to Commercial/Office; **b)** for a change of zoning from I-2 (Light Industrial) district to C-2 (Corridor Commercial) district; **c)** for a Special Exception for two Dwelling Units, above ground floor only and **d)** to amend a previously granted **Special Exception** to operate an eating and drinking establishment: on property located at **2314 Colonial Avenue**.

Thereupon, An Ordinance entitled, “An Ordinance to amend the General Plan of Norfolk, 1992, **SO AS TO** change the land use designation from property located at **2314 Colonial Avenue** from Industrial/Transportation/Utility to Commercial/Office,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

PH-2A An Ordinance entitled, “An Ordinance to rezone property located at **2314 Colonial Avenue** from I-2 (Light Industrial) to C-2 (Corridor Commercial),” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

PH-2B An Ordinance entitled, “An Ordinance granting a Special Exception to permit a dwelling unit above the ground floor in a Commercial District on property located at **2314 Colonial Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

PH-2C An Ordinance entitled, “An Ordinance granting a Special Exception to permit the operation of an eating and drinking establishment on property located at **2314 Colonial Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

PH-3

PUBLIC HEARING scheduled this day pursuant to action of the Council on January 24, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a **Lease Agreement** with **The Norfolk Stationery Co. Inc.**, for city property located at **103 Granby Street**.

Thereupon, An Ordinance entitled, "An Ordinance approving a Lease Agreement between the City of Norfolk, as Lessor, and the **Norfolk Stationery Co., Inc.**, as Lessee, for the lease of that certain property owned by the City of Norfolk described as **103 Granby Street**, and authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 16, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

PH-4

PUBLIC HEARING scheduled this day pursuant to action of the Council on January 24, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, to amend the **Zoning Ordinance of the City of Norfolk, 1992** to create regulations concerning the placement of shipping containers.

Thereupon, An Ordinance entitled, "An Ordinance to amend and reordain Sections 13-6 and 14-4 of the Zoning Ordinance of the City of Norfolk, 1992, **SO AS TO** regulate the placement use and reuse of shipping containers in certain zoning districts," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

PH-5

PUBLIC HEARING scheduled this day pursuant to action of the Council on January 24, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **Reg. Mahoney**, to amend the **Zoning Ordinance of the City of Norfolk, 1992** to add Veterinary Office as permitted use in the C-3 (Retail Center) district.

Bonnie Alexander, 5076 Lauderdale Avenue and Denbigh Marchant, 2529 Virginia Beach Blvd., Virginia Beach, were present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to amend and reordain Table 6-5 of the **Zoning Ordinance of the City of Norfolk, 1992**, **SO AS TO** permit Veterinary Office as a permitted use in the C-3 (Retail Center Commercial) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

PH-6

PUBLIC HEARING scheduled this day pursuant to action of the Council on January 24, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the application of the **City Planning Commission**, to amend the **Zoning Ordinance of the City of Norfolk, 1992** to reflect 2011 Virginia General Assembly updates.

Thereupon, An Ordinance entitled, “An Ordinance to amend and reordain Section 28-2 of the **Zoning Ordinance of the City of Norfolk, 1992**, **SO AS TO** incorporate changes in state law regarding when a Transportation Impact Analysis Conducted by the Virginia Department of Transportation shall be required,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

PH-7

PUBLIC HEARING scheduled this day pursuant to action of the Council on January 24, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the application of the **City Planning Commission**, to amend the **Zoning Ordinance of the City of Norfolk, 1992** to revise the definition of “Zoning Map” in order to designate an electronic zoning map.

Thereupon, An Ordinance entitled, “An Ordinance to amend and reordain Section 3-2 of the Zoning Ordinance of the City of Norfolk, 1992, in order to update the definition of “Zoning Map” in order to designate an electronic Zoning Map,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Fraim.

No. None.

PH-8

PUBLIC HEARING scheduled this day pursuant to action of the Council on January 24, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, to amend the **Zoning Ordinance of the City of Norfolk, 1992** to revise the lot coverage requirement in the West Freemason Cultural Conservation District.

Thereupon, An Ordinance entitled, “An Ordinance to amend and reordain Section 9-2.9 of the Zoning Ordinance of the City of Norfolk, 1992, **SO AS TO** adjust the maximum lot coverage allowable in the West Freemason Historic and Cultural Conservation Districts,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Fraim.

No. None.

CONSENT AGENDA

C-1 Letter from the City Manager transmitting **Statement of Legal Debt Margin and the Statement of Bonds Authorized and Unissued** as of December 31, 2011.

ACTION: Received and filed.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

C-2 Letter from the City Manager recommending a public hearing be held to hear comments on the issuance of **General Obligation Bonds** up to **\$180,000,000** to fund the cash flow needs of the General Capital, Wastewater and Stormwater Capital Improvement Programs.

ACTION: City Clerk authorized to advertise for a public hearing on February 28, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a **License Agreement** with the **United States of America, Department of the Navy**, that will allow the City to maintain as a public-right-of-way a parcel of property owned by the Federal Government, located west of the intersection of **Hampton Boulevard** and **Baker Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **License Agreement** with the **United States of America, Department of the Navy**, for the installation, operation and maintenance of equipment associated with the traffic control system,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Fraim.

No. None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an **Agreement** with the **Commonwealth of Virginia, Department of Transportation**, for the design and construction of the traffic signal safety improvements at various intersections in the City of Norfolk, and appropriating and authorizing the expenditure of funds for the project in the amount of **\$8,807,900**, subject to and in accordance with the terms and conditions of the **Agreement**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Fraim.

No. None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Paul S. and Patricia B. Williams** to encroach into the right of way of **Old Brandon Avenue**, with a **4' by 25'** paver walkway at **1400 Westover Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Fraim.

No. None.

R-5

Letter from the City Manager and a Resolution entitled, “A Resolution supporting the adoption of **Healthwise Choices** for the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **YPB, LLC** to encroach into the right-of-way of **Agrome Avenue** and **County Street** with existing trailers, wood decks, concrete pads, sheds and fences,” was introduced in writing and read by its title.

Bruce Mimran, 2705 Reef Court, Virginia Beach and Marina Phillips, 150 West Main Street, were present to answer questions.

Dan Montague, 4605 Krick Street, spoke in support of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City as administrative and fiscal agent for the **Norfolk Transitional Grant Area (TGA)** under **Title I** of the **Ryan White Comprehensive Aids Resources Emergency (CARE) Act** to accept **Part A** grant funds in the amount of **\$7,833,293.00** from the **U.S. Department of Health and Human Services for HIV/AIDS Health and Support Services** and appropriating and authorizing expenditure of the grant funds,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

R-8

Letter from the City Manager and a Resolution entitled, “A Resolution requesting the **Virginia Department of Transportation** to accept certain additional city streets for municipal assistance payments and to remove certain streets from the eligible list pursuant to **Section 33.1-41.1 Code of Virginia, 1950**, as amended,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

R-9

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to refund to **California Pizza Kitchen, Inc. \$86,288.39** based upon the correction of personal property tax assessments for tax years **2008, 2009 and 2010**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

R-10

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue refunds based upon the correction of personal property tax assessments for tax years **2010 and 2011**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

R-11

A Resolution entitled, “A Resolution appointing or reappointing 23 persons to 1 board and 6 commissions for certain terms,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective February 14, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, and Frain.

No. None.

